IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 3138 of 2006(W)

AGAINST THE ORDER DATED 28/07/2005 IN IA.NO.647 OF 2004 IN OS.451/2003 of MUSNIFF COURT,ADOOR

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PETITIONERS:

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1. P.V.BALAKRISHNA PILLAI,
   PUNNAKKADA VEEDU, MANGARAM MURI,
   PANDALAM VILLAGE.

2. VASUDEVAN PILLAI, SATHEESH BHAVAN,
   PUNNAKKADU VEEDU, MANGARAM MURI,
   PANDALAM VILLAGE.

BY ADV. SRI.SAJJU.S

RESPONDENTS:

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1. RAMACHANDRAN NAIR, SILPI (KOYATTU),
   MANGARAM MURI, PANDALAM VILLAGE.

2. K.N.KRISHNAN KUTTY,
   KUZHIVELI, KANDATHIL, MANGARAM MURI,
   PANDALAM VILLAGE.

3. V.V.VIJAYA KUMAR, PUTHEN VEETTIL,
   MANGARAM MURI, PANDALAM VILLAGE.

4. P.R.GOPALAKRISHNA PILLAI,
   PURATHETHU VEEDU, MANGARAM MURI,
   PANDALAM VILLAGE.

5. RAVEENDRAN NAIR, CHAITHANYA,
   MANGARAM MURI, PANDALAM VILLAGE.

BY ADV. SRI.C.B.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 3138 of 2006(W)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF I.A.NO.647/04 IN O.S.NO.451/03 IN MUNSIFF COURT, ADOOR.

EXT.P2: COPY OF THE ORDER DTD. 15.10.2004 IN I.A.NO.647/04 IN O.S.NO.451/03.

EXT.P3: COPY OF THE PETITION DTD. 14.2.05 FILED BY THE PETITIONERS.

EXT.P4: COPY OF THE ORDER DTD.1.7.05 IN I.A.NO.647/04 IN O.S.NO.451/03.

EXT.P5: COPY OF SHOW CAUSE NOTICE DTD. 7.7.05.

EXT.P6: COPY OF THE ORDER DTD. 28.7.05 IN I.A.NO.647/04 IN O.S.NO.451/03.

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// TRUE COPY//

PIUS C. KURIAKOSE,J.

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W.P.(C) No.3138 of 2006

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Dated: 20th July, 2007

JUDGMENT

In all probability the subject matter of the Writ Petition has become infructuous. However since I find that under the impugned order the defence of the petitioners who were defendants in the suit have been struck off on the reason that certain documents called for by the learned Munsiff were not produced, I am of the view that if anything survives in the suit, the petitioners can be granted time till the expiry of three weeks from date of receipt of the copy of this judgment for producing the documents. Accordingly, the Writ Petition will stand disposed of issuing the following directions:

Ext.P6 will stand quashed. If the petitioners produce the documents which were called for by the learned Munsiff under Ext.P4 order within three weeks of their receiving copy of this judgment, the order strucking off their defence will stand set aside and the trial of the suit will continue on the basis of those documents also. The above direction need not be complied if as a matter of fact the subject matter of the suit will become infructuous.

srd **PIUS C.KURIAKOSE, JUDGE**